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March 29, 2024

Via FedEx and Email

Steven Kahl
Executive Secretary
North Dakota Public Service Commission
600 E. Boulevard Ave., Dept. 408
Bismarck, ND 58505

**RE: TracFone Wireless, Inc. Application for Designation as an Eligible
Telecommunications Carrier in the State of North Dakota; Certification
Relating to Order Provisions; Case No. PU-24-19**

Dear Mr. Kahl:

Attached please find TracFone Wireless, Inc. (TracFone)'s Certification Relating to Order Provisions to accompany TracFone's Application for Designation as an Eligible Telecommunications Carrier in the State of North Dakota. Should you have any questions, please contact the undersigned.

Respectfully submitted,



Debra McGuire Mercer

Counsel to TracFone Wireless, Inc.

**STATE OF NORTH DAKOTA
PUBLIC SERVICE COMMISSION**

TracFone Wireless, Inc.
Designated Eligible Carrier
Application

Case No. PU-24-19

**TracFone Wireless, Inc.
CERTIFICATION RELATING TO ORDER PROVISIONS**

I am Javier Rosado, a representative of TracFone Wireless, Inc. (TracFone) with authority to bind TracFone and I certify that:

1. TracFone is seeking designation as a Lifeline-Only Eligible Telecommunications Carrier (Lifeline-Only ETC) for all non-rural telephone company wire centers within the state of North Dakota, all rural telephone company study areas within the state of North Dakota, and all Tribal areas within the non-rural and rural telephone company areas within the state of North Dakota. Which is the entire state of North Dakota.
2. For the telephone exchanges enumerated, TracFone understands and agrees to the conditions and criteria set forth in Chapter 49-21 of the North Dakota Century Code and Chapter 69-09-05 of the North Dakota Administrative Code that pertain to Lifeline-Only Eligible Telecommunications Carriers (Lifeline Only ETC) , and TracFone will be responsible for compliance with this Certification, the Public Service Commission's order in this proceeding, and conditions and criteria set forth in the applicable federal and state laws and rules pertaining to Lifeline-Only ETCs.

The provision in Chapter 69-09-05 of the North Dakota Administrative Code requiring the ETC to describe services in the "carrier's official telephone directory" is not applicable because TracFone has no such directory.

3. TracFone agrees to comply with all statements, processes and procedures set forth in its Application for designation as a Lifeline-Only ETC in the enumerated telephone exchanges. TracFone agrees that all statements made and matters set forth in its Application are true and correct to the best of TracFone's knowledge, information, and belief.
4. TracFone will use the federal low-income universal service support it receives only for the provision of services for which the support is intended.
5. TracFone meets all of the prerequisites to be designated as a Lifeline-Only ETC throughout the proposed ETC Designated Area in this proceeding.
6. TracFone provides each of the services supported by federal universal service support mechanisms, specified in Federal Communications Commission's (FCC's) rules, 47

Certification Relating to Order Provisions

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C.F.R. § 54.101, and will offer these supported services in North Dakota upon designation as a Lifeline-Only ETC, including voice grade access, minutes of use for local service at no additional charge, access to emergency services and toll limitation services.

7. TracFone will provide service on a timely basis to requesting customers within the applicant's proposed designated service area where the applicant's network already passes the potential customer's premises.
8. TracFone will provide service within a reasonable period of time, if the potential customer is within TracFone's proposed designated service area but outside its existing network coverage, if service can be provided at reasonable cost by:
 - (a) Modifying or replacing the requesting customer's equipment;
 - (d) Adjusting network or customer facilities; or
 - (e) Reselling services from another carrier's facilities to provide service.
9. TracFone will not seek Universal Service Fund high-cost support for any telephone exchanges in its designated service area in North Dakota.
10. TracFone will use all available means to ensure customers are eligible for the Lifeline program at the time of sign-up and recertification in accordance with the federal eligibility criteria in 47 C.F.R. § 54.409 and the relevant proof documentation specified in 47 C. F. R. § 54.410. TracFone will check all available databases including the National Lifeline Accountability Database to prevent duplication and determine eligibility.
11. TracFone has taken, and will continue to take, steps to work with its underlying carriers to remain functional in emergency situations by: (1) maintaining a reasonable amount of backup power to ensure functionality without an external power source; (2) maintaining the ability to re-route traffic around damaged facilities and to manage traffic spikes resulting from emergency situations; and (3) establishing procedures for employees to follow in an emergency to prevent or minimize interruption or impairment of telecommunications services.
12. TracFone will meet or exceed applicable consumer protection and quality standards and will comply with the Cellular Telecommunications and Internet Association's (CTIA) Consumer Code for Wireless Service
13. TracFone will advertise the availability of the supported services detailed in its Application, and the corresponding rates and charges, in a manner designed to inform the general public within North Dakota. This advertising will occur through a combination of media channels, such as television and radio, newspaper, magazine and other print advertisements, outdoor advertising, direct marketing, and the Internet.
14. TracFone will offer the services described in its Application.
15. TracFone understands and agrees that if TracFone has not advertised its Lifeline services or signed up any North Dakota customers within 12 months of the

effective date of TracFone's designation as a Lifeline-only ETC, the Public Service Commission may revoke TracFone's Lifeline-only ETC designation and North American may reapply to be designated as a Lifeline-only ETC In North Dakota.

16. TracFone will comply with all applicable annual reporting requirements associated with being an ETC in North Dakota including filing with the Public Service Commission a copy of each report filed with the FCC, within 30 days of filing with the FCC.
17. TracFone understands and agrees that its ability to offer service is subject to suspension or revocation for failure to comply with the Public Service Commission's orders, or applicable statutes, rules, regulations, standards, and other authorizations.
18. TracFone agrees to maintain the records to demonstrate that TracFone has complied with the requirements of the Public Service Commission's order(s) and that TracFone will preserve records demonstrating compliance for Public Service Commission inspection at any reasonable time upon reasonable notice.
19. TracFone understands and agrees that, to the extent there are any conflicts or inconsistencies between TracFone's Application and the provisions in this Certification, the Certification provisions control.

Dated this 28th day of March, 2024.

TracFone Wireless, Inc.

By:  D45B011AF566467...

Javier Rosado

Its Executive Director – SafeLink and ACP